

1 AN ACT

2 RELATING TO PUBLIC PROPERTY; AUTHORIZING THE PROPERTY CONTROL
3 DIVISION OF THE GENERAL SERVICES DEPARTMENT TO EXPEND CERTAIN
4 BOND PROCEEDS TO PLAN, DESIGN, CONSTRUCT AND EQUIP A PARKING
5 STRUCTURE IN SANTA FE AND TO ACQUIRE LAND AND PLAN, DESIGN,
6 CONSTRUCT AND EQUIP A STATE LABORATORY FACILITY IN BERNALILLO
7 COUNTY; EXPANDING THE PURPOSES OF THE STATE BUILDING BONDING
8 ACT; AUTHORIZING REVENUE BONDS PURSUANT TO THAT ACT;
9 AUTHORIZING REVENUE BONDS FROM CIGARETTE TAX DISTRIBUTIONS
10 FOR THE STATE LABORATORY FACILITY AND FOR IMPROVEMENTS AT
11 CERTAIN DEPARTMENT OF HEALTH FACILITIES; MAKING
12 APPROPRIATIONS.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. Laws 2001, Chapter 166, Section 1, as
16 amended by Laws 2004, Chapter 123, Section 6, is amended to
17 read:

18 "Section 1. AUTHORIZATION TO ACQUIRE PROPERTY--
19 APPROPRIATION.--

20 A. In order to acquire the following properties
21 for use as state agency offices in Santa Fe county, the
22 property control division of the general services department
23 may:

24 (1) purchase and renovate, equip and furnish
25 the national education association building on South Capitol

1 street;

2 (2) plan, design, construct, equip and
3 furnish a new office building with integrated parking at the
4 west capitol complex on Cerrillos road, pursuant to the
5 design funded by Subsection I of Section 14 of Chapter 118 of
6 Laws 1998, at a price not to exceed twenty-five million
7 dollars (\$25,000,000);

8 (3) purchase and renovate, equip and furnish
9 the public employees retirement association building on Paseo
10 de Peralta; and

11 (4) purchase land within or in close
12 proximity to the public safety campus as set out in the
13 capitol buildings master plan developed by the capitol
14 buildings planning commission; provided that no land shall be
15 purchased pursuant to this paragraph that does not have, in
16 place, water, sewer, electricity and other necessary
17 infrastructure.

18 B. In addition to the acquisitions authorized in
19 Subsection A of this section, the property control division
20 of the general services department may:

21 (1) in cooperation with the New Mexico
22 legislative council, pursuant to the capitol buildings master
23 plan developed by the capitol buildings planning commission
24 and after review by the commission plan, design, construct
25 and equip a parking structure in the central capitol campus

1 in Santa Fe. Upon completion of the parking structure, the
2 property control division shall transfer the parking
3 structure and associated real estate to the New Mexico
4 legislative council. After the transfer, the legislative
5 council shall operate and maintain the parking structure; and

6 (2) expend up to eighteen million one
7 hundred thousand dollars (\$18,100,000) of the net proceeds
8 from state office building tax revenue bonds to acquire land
9 and plan, design, construct and equip a state laboratory
10 facility in Bernalillo county.

11 C. The acquisitions of property pursuant to
12 Subsection A of this section shall be made in the priority
13 order listed in that subsection. Purchases authorized in
14 Paragraphs (1), (2) and (4) of Subsection A of this section
15 shall be made at a price not to exceed the value of the
16 property established by the taxation and revenue department
17 using generally accepted appraisal techniques for the type of
18 property purchased. The purchase authorized in Paragraph (3)
19 of Subsection A of this section shall be made at a price
20 negotiated with the retirement board of the public employees
21 retirement association that is not less than the fair market
22 value of the property and building."

23 Section 2. Section 6-21C-2.1 NMSA 1978 (being Laws
24 2004, Chapter 123, Section 1) is amended to read:

25 "6-21C-2.1. FINDINGS AND PURPOSE.--

1 A. The legislature finds that the expense of
2 leasing office space for state occupancy has grown to the
3 point that the state would be better served if more
4 state-owned facilities were acquired. The legislature
5 further finds that the state's overall occupancy costs could
6 be reduced even after taking into account the payments
7 necessary on bonds issued to acquire additional facilities
8 and that, therefore, it is economically advantageous for the
9 state to own additional office space and related facilities.
10 Further, in anticipation of the state's future office space
11 needs, the legislature finds it prudent to establish an
12 office acquisition program.

13 B. The legislature also finds that, in extreme
14 circumstances, it is advantageous for the state to fund
15 certain critical facilities to avoid the need for leasing or
16 paying emergency rents.

17 C. The purpose of the State Building Bonding Act
18 is to acquire additional state office buildings and related
19 facilities, or critical facilities located within the master
20 planning jurisdiction of the capitol buildings planning
21 commission, by issuing bonds paid for with distributions of
22 gross receipts tax revenue that reflect a portion of the
23 savings that will result from the conversion to more
24 state-owned facilities."

25 Section 3. Section 6-21C-4 NMSA 1978 (being Laws 2001,

1 Chapter 199, Section 4, as amended) is amended to read:

2 "6-21C-4. NEW MEXICO FINANCE AUTHORITY SHALL ISSUE
3 BUILDING BONDS--APPROPRIATION OF PROCEEDS.--

4 A. The New Mexico finance authority is authorized
5 to issue and sell revenue bonds, known as "state office
6 building tax revenue bonds", payable solely from the state
7 building bonding fund, in compliance with the State Building
8 Bonding Act for the purpose of acquiring state office
9 buildings and related facilities and other critical state
10 facilities within the master planning jurisdiction of the
11 capitol buildings planning commission when the acquisition
12 has been reviewed by the capitol buildings planning
13 commission and has been authorized by legislative act and the
14 director of the property control division of the general
15 services department has certified the need for the issuance
16 of the bonds.

17 B. The net proceeds from the building bonds are
18 appropriated to the property control division of the general
19 services department for the purpose of acquiring state office
20 buildings and related facilities and other critical state
21 facilities within the master planning jurisdiction of the
22 capitol buildings planning commission, the acquisition of
23 which shall be consistent with the State Building Bonding Act
24 and the authorizing legislation."

25 Section 4. Laws 2001, Chapter 166, Section 2, as

1 amended by Laws 2004, Chapter 123, Section 7, is amended to
2 read:

3 "Section 2. STATE OFFICE BUILDING TAX REVENUE BONDS--
4 AUTHORIZATION--CONTINGENCY.--

5 A. The New Mexico finance authority may issue and
6 sell state office building tax revenue bonds in compliance
7 with the State Building Bonding Act in a total amount not to
8 exceed seventy-five million dollars (\$75,000,000) when the
9 director of the property control division of the general
10 services department certifies to the authority that the
11 proceeds from the state office building tax revenue bonds are
12 needed for one or more of the purposes specified in Laws
13 2001, Chapter 166, Section 1, as amended by Section 1 of this
14 2005 act. The authority shall schedule the issuance and sale
15 of the bonds in the most expeditious and economical manner
16 possible. Except as provided in Subsection C of this
17 section, net proceeds from the sale of the bonds are
18 appropriated to the property control division of the general
19 services department for expenditure in fiscal year 2001 and
20 subsequent fiscal years for the purposes specified in Laws
21 2001, Chapter 166, Section 1, as amended by Section 1 of this
22 2005 act.

23 B. The New Mexico finance authority may also issue
24 and sell additional state office building tax revenue bonds
25 in compliance with the State Building Bonding Act in a total

1 amount not to exceed fifteen million dollars (\$15,000,000)
2 when the director of the property control division of the
3 general services department certifies to the authority that
4 the proceeds from the state office building tax revenue bonds
5 are needed for one or more of the purposes specified in Laws
6 2001, Chapter 166, Section 1, as amended by Section 1 of this
7 2005 act. The authority shall schedule the issuance and sale
8 of the bonds in the most expeditious and economical manner
9 possible. Net proceeds from the sale of the bonds are
10 appropriated to the property control division of the general
11 services department for expenditure in fiscal year 2005 and
12 subsequent fiscal years for the purposes specified in Laws
13 2001, Chapter 166, Section 1, as amended by Section 1 of this
14 2005 act.

15 C. Two hundred fifty thousand dollars (\$250,000)
16 of the proceeds from the bonds issued pursuant to Subsection
17 A of this section are appropriated to the legislative council
18 service for expenditure in fiscal years 2004 through 2008 for
19 the purpose of providing funding for the capitol buildings
20 planning commission, master planning process for state
21 facilities and for annual updates to master plans, but
22 excluding any payments for salaries, benefits and costs of
23 state employees. Any unexpended or unencumbered balance
24 remaining at the end of fiscal year 2008 shall revert to the
25 state building bonding fund."

1 Section 5. Section 6-21-6.7 NMSA 1978 (being Laws 2003,
2 Chapter 341, Section 5) is amended to read:

3 "6-21-6.7. CREDIT ENHANCEMENT ACCOUNT CREATED--USE OF
4 ACCOUNT--RELEASE OF MONEY TO THE GENERAL FUND.--

5 A. The credit enhancement account is created as a
6 separate account within the authority for use only as
7 provided in this section.

8 B. All cigarette tax proceeds distributed each
9 month to the authority pursuant to Subsection G of Section
10 7-1-6.11 NMSA 1978 shall be deposited in the credit
11 enhancement account.

12 C. Amounts deposited in the credit enhancement
13 account may be pledged irrevocably as additional security for
14 the payment of the principal, interest, premiums and expenses
15 on bonds issued by the authority for:

16 (1) designing, constructing, equipping and
17 furnishing additions and improvements to the university of
18 New Mexico hospital and the cancer research and treatment
19 center at the university of New Mexico health sciences
20 center; and

21 (2) land acquisition and the planning,
22 designing, construction and equipping of department of health
23 facilities or improvements to such facilities.

24 D. The authority shall determine monthly upon
25 receipt of cigarette tax proceeds if the individual amounts

1 of cigarette tax proceeds distributed pursuant to Subsection
2 E or Subsection F, respectively, of Section 7-1-6.11 NMSA
3 1978 are sufficient to meet the monthly amount required for
4 immediate payment or designation for payment of principal,
5 interest, premiums and expenses on bonds additionally secured
6 by the credit enhancement account. Any insufficient amount
7 shall be paid immediately from the credit enhancement
8 account. A payment from the credit enhancement account shall
9 be reimbursed in succeeding months from the individual amount
10 of cigarette tax proceeds distributed pursuant to Subsection
11 E or Subsection F, as applicable, of Section 7-1-6.11 NMSA
12 1978 in excess of the amount required for immediate payment
13 or designation for payment of principal, interest, premiums
14 and expenses on bonds. All money in the credit enhancement
15 account in excess of the monthly amount required for
16 immediate payment or designation for payment of principal,
17 interest, premiums and expenses on bonds shall be transferred
18 monthly by the authority to the general fund.

19 E. Upon payment of all principal, interest,
20 premiums and expenses on bonds additionally secured by a
21 pledge of amounts deposited in the credit enhancement
22 account, the authority shall certify to the secretary of
23 taxation and revenue that all obligations for bonds have been
24 fully discharged and shall direct the secretary of taxation
25 and revenue and the state treasurer to cease distributing

1 cigarette tax proceeds to the authority pursuant to
2 Subsection G of Section 7-1-6.11 NMSA 1978 and to distribute
3 those cigarette tax proceeds to the general fund.

4 F. Any law authorizing the imposition, collection
5 or distribution of the cigarette tax or that affects the
6 cigarette tax shall not be amended, repealed or otherwise
7 directly or indirectly modified so as to impair or reduce
8 debt service coverage for any outstanding revenue bonds that
9 may be secured by a pledge of those cigarette tax proceeds
10 distributed to the credit enhancement account, unless the
11 revenue bonds have been discharged in full or provisions have
12 been made for a full discharge."

13 Section 6. Section 7-1-6.11 NMSA 1978 (being Laws 1983,
14 Chapter 211, Section 16, as amended) is amended to read:

15 "7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--

16 A. A distribution pursuant to Section 7-1-6.1 NMSA
17 1978 shall be made to the county and municipality
18 recreational fund in an amount equal to one and thirty-six
19 hundredths percent of the net receipts, exclusive of
20 penalties and interest, attributable to the cigarette tax.

21 B. A distribution pursuant to Section 7-1-6.1 NMSA
22 1978 shall be made to the county and municipal cigarette tax
23 fund in an amount equal to two and seventy-two hundredths
24 percent of the net receipts, exclusive of penalties and
25 interest, attributable to the cigarette tax.

1 C. A distribution pursuant to Section 7-1-6.1 NMSA
2 1978 shall be made to the cancer research and treatment
3 center at the university of New Mexico health sciences center
4 in an amount equal to one and thirty-six hundredths percent
5 of the net receipts, exclusive of penalties and interest,
6 attributable to the cigarette tax.

7 D. A distribution pursuant to Section 7-1-6.1 NMSA
8 1978 shall be made to the New Mexico finance authority in an
9 amount equal to two and four-hundredths percent of the net
10 receipts, exclusive of penalties and interest, attributable
11 to the cigarette tax.

12 E. A distribution pursuant to Section 7-1-6.1 NMSA
13 1978 in an amount equal to fourteen and fifty-two hundredths
14 percent of the net receipts, exclusive of penalties and
15 interest, attributable to the cigarette tax, shall be made,
16 on behalf of and for the benefit of the university of New
17 Mexico health sciences center, to the New Mexico finance
18 authority.

19 F. A distribution pursuant to Section 7-1-6.1 NMSA
20 1978 in an amount equal to six and eleven-hundredths percent
21 of the net receipts, exclusive of penalties and interest,
22 attributable to the cigarette tax shall be made to the New
23 Mexico finance authority for land acquisition and the
24 planning, designing, construction and equipping of department
25 of health facilities or improvements to such facilities.

1 G. A distribution pursuant to Section 7-1-6.1 NMSA
2 1978 in an amount equal to fifteen and ninety-five hundredths
3 percent of the net receipts, exclusive of penalties and
4 interest, attributable to the cigarette tax shall be made to
5 the New Mexico finance authority for deposit in the credit
6 enhancement account created in the authority."

7 Section 7. Laws 2003, Chapter 341, Section 4 is amended
8 to read:

9 "Section 4. NEW MEXICO FINANCE AUTHORITY REVENUE
10 BONDS--DEPARTMENT OF HEALTH FACILITIES--APPROPRIATION.--

11 A. The New Mexico finance authority may issue and
12 sell revenue bonds in compliance with the New Mexico Finance
13 Authority Act for projects authorized specifically by law for
14 land acquisition and the planning, designing, construction
15 and equipping of department of health facilities or
16 improvements to such facilities.

17 B. The New Mexico finance authority may issue and
18 sell revenue bonds authorized by this section when the
19 secretary of finance and administration certifies the need
20 for issuance of the bonds. The net proceeds from the sale of
21 the bonds are appropriated to the capital program fund
22 administered by the property control division of the general
23 services department for the purposes described in Subsection
24 A of this section.

25 C. The cigarette tax proceeds distributed to the

1 New Mexico finance authority pursuant to Subsection F of
2 Section 7-1-6.11 NMSA 1978 shall be pledged irrevocably for
3 the payment of the principal, interest, premiums and related
4 expenses on the bonds and for payment of the expenses
5 incurred by the New Mexico finance authority related to the
6 issuance, sale and administration of the bonds.

7 D. The cigarette tax proceeds distributed to the
8 New Mexico finance authority pursuant to Subsection F of
9 Section 7-1-6.11 NMSA 1978 shall be deposited each month in a
10 separate fund or account of the authority. Money in the
11 separate fund or account in excess of the combined total of
12 the principal, interest and other expenses or obligations
13 related to the bonds coming due in that fiscal year is
14 appropriated to and shall be transferred to the capital
15 program fund for capital improvements to department of health
16 facilities recommended by the secretary of health and
17 approved by the secretary of finance and administration.

18 E. Upon payment of all principal, interest and
19 other expenses or obligations related to the bonds, the New
20 Mexico finance authority shall certify to the secretary of
21 taxation and revenue that all obligations for the bonds
22 issued pursuant to this section have been fully discharged
23 and shall direct the secretary of taxation and revenue and
24 the state treasurer to cease distributing cigarette tax
25 proceeds to the authority pursuant to Subsection F of Section

1 7-1-6.11 NMSA 1978 and to distribute those cigarette tax
2 proceeds to the general fund.

3 F. Any law authorizing the imposition, collection
4 or distribution of the cigarette tax or that affects the
5 cigarette tax shall not be amended, repealed or otherwise
6 directly or indirectly modified so as to impair or reduce
7 debt service coverage for any outstanding revenue bonds that
8 may be secured by a pledge of those cigarette tax revenues,
9 unless the revenue bonds have been discharged in full or
10 provisions have been made for a full discharge.

11 G. The New Mexico finance authority may
12 additionally secure the revenue bonds issued pursuant to this
13 section by a pledge of money in the public project revolving
14 fund with a lien priority on the money in the public project
15 revolving fund as determined by the authority.

16 H. The New Mexico finance authority may purchase
17 revenue bonds issued pursuant to this section with money in
18 the public project revolving fund pursuant to the provisions
19 of Section 6-21-6 NMSA 1978."

20 Section 8. AUTHORIZATION FOR REVENUE BONDS--DEPARTMENT
21 OF HEALTH FACILITIES.--Pursuant to Laws 2003, Chapter 341,
22 Section 4, as amended by Section 7 of this 2005 act, the New
23 Mexico finance authority may issue and sell revenue bonds in
24 compliance with the provisions of that section and the
25 provisions of the New Mexico Finance Authority Act in an

1 amount not exceeding thirty-nine million dollars
2 (\$39,000,000) plus an amount equal to the costs of issuing
3 the revenue bonds for the following purposes in the following
4 amounts:

5 A. ten million three hundred thousand dollars
6 (\$10,300,000) for improvements at the southern New Mexico
7 rehabilitation center;

8 B. eleven million dollars (\$11,000,000) for
9 improvements at the Las Vegas medical center;

10 C. four million dollars (\$4,000,000) for
11 improvements at Fort Bayard medical center; and

12 D. thirteen million seven hundred thousand dollars
13 (\$13,700,000) for use by the property control division of the
14 general services department for land acquisition and the
15 planning, designing, construction and equipping of a state
16 laboratory facility in Bernalillo county for use by the
17 department of health.